

**MINUTES OF THE  
MEETING OF THE  
BOARD OF ADJUSTMENTS OF  
GARDEN CITY, UTAH**

The Garden City Board of Adjustments held a meeting on July 7, 2015 at the Garden City Pineview room, located at 69 N. Paradise Parkway, Bldg B. Board Chairman Hislop opened the meeting at 5:32 p.m.

Board Members present:

Mark Hislop, Chairman  
Clint England  
Scott Tolentino  
Marcia Solum  
Absent: Jennifer Casillas

Others Present:

Tammy Calder  
Scott Huskinson  
Blaine and Clea Liechty

**Roll Call**

Chairman Hislop asked for a roll call of the Members present: Board Member England, Board Member Solum, and Board Member Tolentino.

Variance request by Scott Huskinson, owner of Zipz, requesting a variance on need for a second water meter when adding Ciscos to his existing place of business.

Mr. Huskinson stated that basically we are asking if it is necessary to have a separate water meter. When we went in front of the City Council the Mayor said that the ordinance says this, but this seems like a perfect thing for the variance committee and I suggest you do that. So that is why I am here.

Mark: Don't you already have water on a meter now?

Scott: Yes but on this auxillary bldg. I believe the ordinance states that any other structure on the property requires a separate meter. And so I was under the impression that the P&Z allowed this but I wasn't at the meeting, Steven was. But I understood that when P&Z approved this they said that this lot could not be subdivided ever. And that's where the question why do we need a separate water meter comes from. According to Steven, the addition of this water meter could cost up to \$20,000 for us to bore out to the road and the reason for the water meter ordinance is so there are no free-loaders out there accessing the water without it being metered. It is actually being metered through Zipz.

Clint read the ordinance ( ) aloud.

Mark: so according to the ordinance it is pretty self explanatory as to what needs to happen.

Scott: I have looked on line and after trying to just use some common sense I look at this as to the plans on the second page show a shop, retail, prep kitchen, rr, so the key point here is (re-read ordinance) as

to where a separate business is being carried on. I try to look at this like LaBeaus but they have probably been grandfathered in, but they have their food establishment here and their gift shop next door, and as far as I know they have one water meter. So I don't see this as any different. I see it as one business. It looks to me like even though it is two separate buildings, it has one purpose. If Scott decided to rent me a space for a welding business in this building, it would be a separate business. I see this as one business.

Marcia: Did we do the same thing with BLPT and Recreation Realty. Hislop replied no, they put in the extra meter. But we did do the same thing with Town and Country and Bodeans, it is the same building and the city said no. A real estate business and a restaurant need to have separate meters on them so they did do the separate water meter. The city also required Dale Brower to have two separate meters when he moved a second home onto his lot. So that is three examples of precedent that we have set.

Clint: 3 possible – 1 – he gets to bore the road and put in the meter. 2 – grant the variance and he gets one meter for two structures. 3 – What stipulation makes two different structures as one? Reply was a roof. What if they connected the two buildings?

Scott: I was here for all three of these instances but I feel that this is different.

Mark: (to Scott) So can you do that? Make a breezeway or something.

Acott H. Ask about impact fee. Mark stated that this mtg was not about impact fee. Right, but there's a \$7,000 impact fee if a new building. Mark : So just to make sure we are on record on this, this board has nothing to do with impact fees., just the need for separate water.

And the mayor said that three wouldn't be as big of an impact fee, like 3,000 instead of 7,000. That is always an option to tie the two together. The only reason for asking for this ordinance is to see what you would think. Most important is the prep kitchen cuz there's not enough counter space to mix a thing of fry sauce in our building.

Board Member Tolentino made the motion to deny this variance because it does not meet the setbacks. Board Member Solum seconded the motion. A roll call vote was taken: Council Member England, for; Council Member Tolentino, for; Council Member Solum, for; Council Member Casillas, for. All in favor and the motion carried.

Mr. Fanconi then stated that there are lots of other options. He wishes that he had been involved in the design process from the beginning but was only contacted after the plans were chosen.

Chairman Hislop thanked the board for their dedication and service. Appreciated that most members of the board went to the site and became familiar with the property before the board meeting.

**Approval of Minutes** for this meeting held on March 31, 2015 will be prepared and mailed or e-mailed to each member of the Board of Adjustments. The Board Members will have ten days to review the minutes and submit any changes to the clerk. If after ten days there are no requested changes, the minutes will stand approved. If there are changes, the process will be followed until all the changes are made and the Board Members are in agreement. Board Member Casillas made a motion to accept the

minutes and Board Member England seconded the motion. A roll call vote was taken: Board Member Tolentino, for; Board Member England, for; Board Member Casillas, for; and Board Member Solum, for. All in favor and the motion carried.

**No Miscellaneous** business.

**Motion of Adjournment** at 5:26 p.m. by Board Member Solum.

APPROVAL:

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Mark Hislop, Chairman

Attest:

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Tamalyn E. Calder, Recorder